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EXAMINER	
CAI, WAYNE HUU	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 22, 2011 have been fully considered but they are not persuasive.

With regard to independent claim 12, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the coding mode used for the downlink would be determined based on the measured communication quality level of an uplink path) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claims recite, in part, "measuring the communication quality of an uplink path from the WLAN terminal to the AP, the communication quality level being based on latency of the outgoing user communications at the AP." It is noted that the phrase "the outgoing user communications" as currently recited in claim clearly means that this is an uplink path, and not the downlink path as argued by the Applicant. Hence, the rejections were proper and therefore, they are maintained.

With regard to independent claims 23 and 32, the Applicant argues that Terasawa also does not teach or suggest selecting a coding scheme based upon the "communication quality level" of the "uplink" as recited in claims. the Examiner

respectfully notes that the Examiner did not rely on Terasawa for the argued features. Hence, this point of argument is moot.

All other dependent claims are also rejected and maintained at least for the same reasons discussed above and/or by virtue to their dependency.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WAYNE CAI whose telephone number is (571)272-7798. The examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Cai/
Primary Examiner, Art Unit 2617